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July 12, 2012

**VIA ECF & REGULAR MAIL**


The Honorable Nina Gershon  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza  
Brooklyn, NY 11201

Re: *United States v. Joshua Kestenbaum*  
04 CR 821 (NG)

Dear Judge Gershon:

I write to ask that I be permitted until the end of business on Monday to submit the counter-designations of Mr. Kestenbaum's deposition transcript that will become a part of the hearing record. Yesterday, I advised the Court of my expectation to review the transcript and make designations today. At the time, I neglected to focus on the pre-existing commitments I have today in connection with other matters. Specifically, I am appearing before Judge Levy in another criminal case (*United States v. Finazzo/Dey*) and today is also my deadline to submit an answer/counterclaims in a civil case. I also have meetings with the clients in each of those matters today, in connection with the court appearance and pleading filing. I may or may not be able to finish the designations tomorrow – I had planned a short day tomorrow because I will be travelling in the afternoon to visit my daughter at sleep away camp.

Respectfully submitted,



Alan S. Lewis

ASL:bp